

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

WORLD MARINE OF MISSISSIPPI, LLC

PLAINTIFF

v.

CAUSE NO. 1:16CV381-LG-RHW

***OCEAN SARATOGA, in rem, and
BRO-TEX INTERNATIONAL
METALS LLC, in personam***

DEFENDANTS

**ORDER FOR ENTRY OF DEFAULT
JUDGMENT AGAINST DEFENDANTS**

After considering Plaintiff's Motion for Default Judgment [21] against Defendants, *OCEAN SARATOGA*, her engines, freights, tackle, apparel, etc., *in rem*, and Bro-Tex International Metals LLC, *in personam*, the attached Affidavits, the Memorandum in Support, and other evidence on file, the Court finds that the record supports the entry of a default judgment against Defendants.

CONSIDERING THE FOREGOING:

IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment [21] against Defendants filed by Plaintiff, World Marine of Mississippi, LLC, is hereby **GRANTED**;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants are found liable to Plaintiff for breach of contract with respect to the July 7, 2015 Work Order;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants are liable for and owe Plaintiff the sum of \$620,931.03 on the base contract balance of the Work Order (which amount includes the contractually-owed service charge);

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants are liable for all of Plaintiff's reasonably incurred fees, costs and expenses relating to Plaintiff's collection efforts with respect to the Defendants' obligations under the Work Order, this litigation and the arrest of the *OCEAN SARATOGA*;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants are liable for and owe Plaintiff the sum of \$46,426.04 for Plaintiff's reasonably incurred fees, costs and expenses, which have been invoiced to Plaintiff through the November 30, 2016 time frame, relating to Plaintiff's collection efforts with respect to the Defendants' obligations under the Work Order, this litigation and the arrest of the *OCEAN SARATOGA*;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants are liable for any and all additional amounts that continue to accrue as due to Plaintiff under the Work Order (including, but not limited to, Plaintiff's continued, reasonable fees, costs and expenses relating to this litigation with Defendants) until such time that the *OCEAN SARATOGA* is removed from the Port of Pascagoula as a result of a judicial sale or otherwise, and Plaintiff is relieved of any and all responsibilities for the *OCEAN SARATOGA* under the Work Order and as a result of the *OCEAN SARATOGA*'s berth at the Port of Pascagoula;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is reserved the right to move to set the amount of damages reflecting those additional amounts for which Defendants are liable;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

Defendants are liable for Plaintiff's efforts and expenses as substitute custodian (not duplicative of the contractually owed amounts), both past, present and future;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is reserved the right to move for the amount of its custodial expenses to be set by the Court;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants are liable for and owe to Plaintiff post-judgment interest on the amounts awarded per this default judgment as called for by 28 U.S.C. § 1961;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants are liable for post-judgment interest on any such additional amounts found to be owed by Defendants to Plaintiff;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is now entitled to proceed in seeking the Court to have the *OCEAN SARATOGA* sold by judicial sale to satisfy the amounts adjudged and ordered to be owed by Defendants to Plaintiff.

SO ORDERED AND ADJUDGED this the 19th day of December, 2016.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE

Order Submitted by:

ALLISON COLÓN (MS Bar 103024)
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